

# **2010 Analysis of Impediments to Fair Housing and Community Resources in Idaho**

**An Assessment of Perceptions Across  
Multiple Stakeholder Groups**

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Prepared on behalf of the  
Idaho Housing and Finance Association and the  
Idaho Department of Commerce by:

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## Acknowledgements and Disclaimer

Stakeholders from across the fair housing spectrum contributed to the development of the 2010 Analysis of Impediments to Fair Housing and Community Resources. These include:

- Section 8 Participants/Tenants (consumers)
- Multifamily housing managers
- Developers/builders
- Housing educators
- Nonprofit organizations
- Lenders and title company representatives
- Property owners
- Public housing authority staff
- Realtors
- Shelter providers
- Architects/engineers
- Government employees from all levels of agencies and positions
- Housing and civil rights advocates

We would also like to thank Kristina Miller and Patricia Huster of HUD and Zoe Ann Olson of Idaho Legal Aid Services for providing fair housing complaint data for this study.

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This project would not have been possible without the involvement of these key partners. As a result, fair housing professionals can work toward translating the findings into essential “intelligence” to guide further progress in affirmatively promoting fair housing and community resources in Idaho.

The purpose of this document is twofold: to present available, relevant statistical data accurately and in context; and to report on real or perceived impediments to “affirmatively furthering fair housing” in Idaho. Impediments may involve access to housing and community resources, or inhibit productive cooperation and collaboration among stakeholders. It is assumed that all participants in this process have an interest in promoting the principles embodied under the Fair Housing Act and related civil rights laws, respecting the rights of housing providers, and preserving the availability/affordability of diverse housing choices for everyone.

This document is **not** a judgment of policies, practices, individuals, or partners herein described; nor do the author or project sponsors make any claims as to the statements made by respondents or assume any responsibility for same; statements or opinions do not necessarily reflect those of the author or sponsors. To the extent perceptions influence behavior, however, it is critical to include them in the larger context of what is known about fair housing and related activities. Only by acknowledging perceptions can stakeholders reflect on the origins of those perceptions, take steps to overcome misunderstanding where needed, change behaviors or policies that undermine cooperation, and use resources and energy more efficiently toward common goals.

This document reflects the insight and perspective of hundreds of individual survey respondents throughout Idaho, as well as the diverse members of the Idaho Fair Housing Forum, who gave generously of their time and expertise. To learn more about the efforts and accomplishments of the Forum, visit [www.fairhousingforum.org](http://www.fairhousingforum.org).

## Executive Summary

The Idaho Housing and Finance Association and the Idaho Department of Commerce commission a study every five years to analyze the progress and impediments concerning access to fair housing and community resources. Of particular focus in this study are members of protected classes under the Fair Housing Act. Survey data was gathered from various stakeholder groups: Section 8 tenants and landlords, other housing providers, partners/advocates, and government agencies. Follow up interviews were conducted with representatives of the latter three groups, and fair housing complaint data was analyzed.

The study shows considerable progress with regard to stakeholder education and stakeholder cooperation and collaboration. Although discrimination does exist, the majority of stakeholders perceive it as largely unintentional, due to lack of education. Key strategies for future improvement include continued accessibility to education for all stakeholders and the public at large, and removing identified barriers to stakeholder cooperation and collaboration.

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# I. Introduction

## Overview of Fair Housing and Access to Community Resources

### Laws and Governance

Access to fair housing and community resources is mandated across the United States by three primary laws: the *Fair Housing Act*, the *Americans with Disabilities Act* (ADA), and *Section 504* (of the Rehabilitation Act 1973)<sup>1</sup>. These laws are designed to affirmatively further access to housing and community resources of persons belonging to protected classes. *Protected classes* are defined in fair housing as race, color, national origin, religion, gender, familial status, and/or disability. *Disability* is defined as “any mental or physical impairment that significantly limits one or more major life activities.” The Fair Housing Act prohibits discrimination of protected classes in housing-related transactions. The Americans with Disabilities Act promotes the access of people with disabilities to public spaces, programs, and events. Section 504 affirmatively furthers the access of persons with disabilities to any program or activity receiving Federal financial assistance, including housing developments.

### Idaho’s Representation of Protected Classes

To better understand the population affected by these laws, it is helpful to establish a statewide perspective of the proportion of Idaho’s residents who have disabilities and those belonging to protected classes. Data from the **Center for Personal Assistance** reports that in 2008 – 2009, 11.9% of Idaho’s 18 and over population has at least one type of disability. Table 1 below shows this figure broken down by type of disability.

**Table 1.1: Idaho Disability Prevalence, Current Population Survey 2008-2009**

Disability	Number of People	Percent of Population
Any type of disability*	138,000	11.9%
Hearing	43,000	3.7%
Vision	18,000	1.6%
Cognitive	44,000	3.8%
Mobility	78,000	6.7%
Daily activity limitation†	46,000	4.0%
Self-care activities	21,000	1.8%
Routine activities	41,000	3.5%
No reported disability	1,023,000	88.1%
<b>Total</b>	<b>1,162,000</b>	<b>100.0%</b>

Source: Center for Personal Assistance Center (age 18+, households only).

Any sensory, cognitive, or mobility disability or daily activity limitation; adds up to more than total because many people report multiple disabilities.

†Any difficulty with self-care activities and/or other routine activities (e.g., performing errands alone); many people have difficulty with both types of activities.

<sup>1</sup> See Appendix (Glossary of Fair Housing Terms) for detailed definitions of these laws. All italicized terms can be found in the Appendix.

Mental disability is not specifically addressed by this source. The United States Census Bureau estimates that 1.5% of the Idaho non-institutionalized population 5 years and older has a mental disability.<sup>2</sup>

United States Census data<sup>3</sup> shows that Idaho's population breakdown by race is approximately 92% White and 8% other races and/or mixed races. Table 2 below shows the race breakdown for Idaho for those identifying with one primary race, accounting for 98% of the population. It is important to note that Census race data does not break out Hispanic origin from the other races; therefore, Hispanic individuals are categorized within other races. However, the table also includes information from another Census breakdown that indicates the proportion of the Idaho population that self-identifies as Hispanic (over all other race breakdowns) is 9.9%.

**Table 1.2: Idaho Population by Race<sup>4</sup>, 2006 – 2008 Estimates**

<b>Race</b>	<b>Number of People</b>	<b>Percent of Population</b>
White	1,380,585	92.4%
Hispanic or Latino (of any race) <sup>5</sup>	147,680	9.9%
Black or African American	14,913	1.0%
American Indian and Alaska Native	35,338	2.4%
Asian alone	25,690	1.7%
Native Hawaiian and Other Pacific Islander	3,695	0.2%
Some other race	36,799	2.5%
<b>Total</b>	<b>1,493,713<sup>6</sup></b>	

Source: United States Census Bureau's American Community Survey, 2006 – 2008 3-year estimates.

A key variable affecting Idaho's racial diversity is the significant number of refugees resettled in the state each year. In 2006 and 2007, 1,284 refugees were resettled in Idaho, and 1,192 between 1/1/2008 and 1/20/2009<sup>7</sup>. Of the refugees resettled in 2006 and 2007, 40% originated from Africa (from Burundi, Congo, Somalia, Togo, Eritrea, Ethiopia, Liberia, Nigeria, Rwanda, Sudan, or Cameroon), followed by those from East Asia and the former Soviet Union. While proportions of the latter two groups are not expected to rise significantly in coming years, refugees from the Middle/Near East and South Asia (i.e., Iraq, Iran, Afghanistan and Burma) are expected to continue to grow due to ongoing conflicts in those regions.

As shown in Table 1.3, national origin, or ancestry, in Idaho is primarily European (81.3%), followed by American (9.9%), with the remaining three groups (Arab, Sub-Saharan Africa, and West Indian) yielding less than 1% together.

<sup>2</sup> Data sourced from the United States Census Bureau's American Community Survey, 2005 – 2007 3-year estimates. These figures appear to be lower than the Center for Personal Assistance numbers.

<sup>3</sup> Data sourced from the United States Census Bureau's American Community Survey, 2005 – 2007 3-year estimates.

<sup>4</sup> These figures account for race alone or in combination with one or more other races (as compiled by the source).

<sup>5</sup> Hispanic or Latino respondents are also sub-classified according to the other races listed. Therefore, the Hispanic totals overlap with the totals among other races.

<sup>6</sup> Different sources of population data/estimates yield different numbers for Idaho's total population. In addition, due to the insertion of Hispanic/Latino (which overlaps other races as described in the accompanying text), the sum of the numbers does not equal the population total as some are double counted.

<sup>7</sup> Source: Idaho Office for Refugees, <http://www.idahorefugees.org>.

**Table 1.3: Idaho Population by Ancestry/National Origin, 2006 – 2008 Estimates**

<b>Idaho Population</b>	<b>Number of People</b>	<b>Percent of Population<sup>8</sup></b>
<b>Total population</b>	<b>1,493,713</b>	<b>1,493,713</b>
American	148,490	9.90%
Arab	1,811	0.10%
European	1,215,987	81.3%
Sub-Saharan African	2,613	0.20%
West Indian (excluding Hispanic origin groups)	1,170	0.10%
<b>Total</b>	<b>1,493,713</b>	

Source: United States Census Bureau's American Community Survey, 2006 – 2008 3-year estimates.

United States Census data also gives an indication of the proportion of people for which Limited English Proficiency may be an impediment. Table 1.4 shows that an estimated 90% of Idaho's population speaks English only at home and, although 10% speak a language other than English, only 4.1% report speaking English less than "very well."

**Table 1.4: Idaho Population by Language Spoken at Home and English Proficiency, 2006 – 2008 Estimates**

<b>Idaho Population</b>	<b>Number of People</b>	<b>Percent of Population<sup>9</sup></b>
<b>Population 5 years and over</b>	<b>1,375,973</b>	<b>1,375,973</b>
English only	1,238,169	90.0%
Language other than English	137,804	10.0%
Speak English less than "very well"	56,065	4.1%
Spanish	101,729	7.4%
Speak English less than "very well"	44,462	3.2%
Other Indo-European languages	19,536	1.4%
Speak English less than "very well"	5,490	0.4%
Asian and Pacific Islander languages	11,209	0.8%
Speak English less than "very well"	5,380	0.4%
Other languages	5,330	0.4%
Speak English less than "very well"	733	0.1%

Table 1.5 shows the proportion of females to males across Idaho is almost equally split at 50%, for both the total population, and those 18 and over.

**Table 1.5: Idaho Population by Gender, 2006 – 2008 Estimates**

<b>Idaho Population</b>	<b>Percent of Population (All Ages)</b>	<b>Percent of Population (18 and over)</b>
Female	49.2%	49.1%
Male	50.8%	50.1%

Source: United States Census Bureau's American Community Survey, 2006 – 2008 3-year estimates.

Familial status is described by the United States Census Bureau as "Household by Type." Table 1.6 shows that in Idaho, the majority of family households with children are those with married parents (25.8%). Single-family households with children account for 8.6% of households, with

<sup>8</sup> Table figures not designed to total 100% as respondents may overlap subgroups.

<sup>9</sup> "Other" not included in data set; therefore, the total does not equal 100%.

6.1% of those headed by single mothers. Nonfamily households account for 29.7%, with 23.6% living alone and 7.8% age 65 and older.

**Table 1.6: Idaho Population by Type of Household,  
2006 – 2008 Estimates**

<b>Idaho Population</b>	<b>Number of People</b>	<b>Percent of Population<sup>10</sup></b>
<b>Total households</b>	<b>556,915</b>	<b>556,915</b>
Family households (families)	391,672	70.3%
With own children under 18 years	191,747	34.4%
Married-couple family	317,493	57.0%
With own children under 18 years	143,740	25.8%
Male householder, no wife present, family	23,977	4.3%
With own children under 18 years	14,070	2.5%
Female householder, no husband present, family	50,202	9.0%
With own children under 18 years	33,937	6.1%
Nonfamily households	165,243	29.7%
Householder living alone	131,395	23.6%
65 years and over	43,663	7.8%

## Overview of Housing Tenure and Vacancy in Idaho

### Gross Vacancy Rates (Rental and Owner-Occupied Housing Units)

Idaho is one state that saw a high volume of both subprime lending and speculative investment in the five-year period ending in 2008. Many buyers who purchased property at the market's peak in late 2006 now find themselves "underwater" in mortgages whose principal balance far exceeds the current appraised value. One result of this has been a large number of foreclosures on both primary residences and rental or income properties, leading to high "gross vacancy rates" relative to the region surrounding Idaho (see Table 1.7). The only state hit as hard in this region by the subprime/bubble is Nevada.

**Table 1.7: Gross Vacancy Rates<sup>11</sup> by State, 2005 to 2008**

<b>Geographic Location</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>
United States	12.7	13.0	13.8	14.4
<b>Idaho</b>	<b>11.9</b>	<b>11.3</b>	<b>13.9</b>	<b>17.6</b>
Utah	9.2	11.2	11.6	11.1
Wyoming	13.2	13.8	14.0	15.2
Montana	17.3	16.8	14.9	14.9
Nevada	12.4	11.9	14.7	16.9
Oregon	12.5	12.2	13.0	12.9
Washington	8.4	8.6	8.1	8.8
<b>Regional Average</b>	<b>12.13</b>	<b>12.63</b>	<b>13.41</b>	<b>11.4</b>

Source: US Census/Housing Vacancies and Homeownership (CPS/HVS).

<sup>10</sup> "Other" not included in data set.

<sup>11</sup> "Gross vacancy rate" is the percentage of the total housing inventory that is vacant. The rate is computed with the formula: (All vacant units/All housing units (occupied + vacant)) \*(100).



Idaho's higher-than-normal rental vacancy rate has not necessarily led to lower rents overall. In some cases, landlords or property owners appear reluctant to lower rent because of their high cash flow needs, and some of those have simply walked away from the property instead. Another complicating factor involves persistent unemployment, driving more individuals and families into doubling up with friends or relatives.

**Table 1.8: Rental Vacancy Rates by State, 2004 to 2008**

<b>Geographic Location</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>
United States	9.8	9.7	9.7	10.0
<b>Idaho</b>	<b>7.0</b>	<b>7.4</b>	<b>8.1</b>	<b>10.3</b>
Utah	10.3	7.9	6.0	5.6
Wyoming	8.4	9.1	9.8	14.0
Montana	8.3	7.5	5.9	5.4
Nevada	7.0	5.7	5.5	7.4
Oregon	6.8	6.3	4.5	5.3
Washington	6.0	4.6	5.4	4.7
<b>Regional Average</b>	<b>7.69</b>	<b>6.93</b>	<b>6.46</b>	<b>7.53</b>

Source: US Census/Housing Vacancies and Homeownership (CPS/HVS).

Any household facing prolonged unemployment or underemployment struggles to secure and retain adequate housing. The growing population of refugees being relocated to Idaho has been a very visible symbol of this problem. Limited English Proficiency, or LEP, presents an additional barrier to housing stability, as these individuals are competing for scarce jobs with native English speakers, and in some cases are confronting western housing types and policies for the first time. Unemployment appears to be the single largest common impediment to housing stability for all similarly situated households.

### **Idaho's Partners in Affirmatively Furthering Access to Fair Housing and Community Resources**

Several organizations and coalitions across Idaho act as partners in promoting awareness of rights and responsibilities related to fair housing and access to community resources. These partners include:

- Idaho Fair Housing Forum
- Idaho Task Force on the ADA
- Idaho Housing Roundtable
- Idaho Human Rights Commission
- Idaho Council on Developmental Disabilities
- Intermountain Fair Housing Council
- CDBG subgrantees of the Idaho Department of Commerce
- Idaho Housing and Finance Association and its HUD subgrantees
- Public Housing Authorities
- Entitlement communities (Boise, Meridian, Nampa, Pocatello, Idaho Falls, Lewiston, and Coeur d'Alene)
- State Independent Living Center and Local Centers for Independent Living

**Idaho Fair Housing Forum** - The Idaho Fair Housing Forum has been meeting regularly - and cooperating - since 2003. The core group includes property developers and managers; realtors; local and state government; fair housing, human rights and disability advocates; Legal Aid Services; public housing authorities, the statewide not-for-profit Idaho Housing and Finance Association (IHFA), and Idaho Department of Commerce. Members also belong to state and regional trade groups and coalitions like the Idaho chapter of the Affordable Housing

Management Association (AHMA), Idaho Rural Partnership, Idaho Community Review Team, and IHFA's Regional Housing Roundtable. This network extends the Forum's reach to thousands of people and institutions throughout our sparsely populated rural state.

Forum members meet regularly in person and by phone to discuss trends, violations, case law, and enforcement. The overall goal is to anticipate needs and recognize opportunities, so it is essential to have people with diverse interests and perspectives at the table. Despite occasional pointed discussion, the Forum works hard to create a respectful, safe place for members to explore real and perceived barriers to fair housing. Like any group, as various members have become better acquainted, they have developed a sense of trust that helps cultivate a shared group identity.

With few exceptions, Forum members agree that Idaho's most successful and sustainable strategies involve diverse interest groups working collaboratively to ensure fair and equal access to housing for all Idahoans. Housing industry professionals play a key role in this partnership. Noncompliance is costly and in most cases easily avoidable. Preventing discrimination and injury not only protects tenant rights, it is a practical way to reduce liability and housing costs for everyone involved. The Forum sponsors and coordinates education and outreach materials and events, conferences, and online resources ([www.fairhousingforum.org](http://www.fairhousingforum.org)).

**Testing and Enforcement Agencies** - Several agencies also work directly in promoting and enforcing fair housing compliance in Idaho. These include the United States Department of Housing and Urban Development (HUD) Fair Housing and Equal Opportunity Office, Idaho Legal Aid Services, the Idaho Human Rights Commission, and the Intermountain Fair Housing Council.

### **Costs of Compliance and/or Noncompliance**

All housing providers and communities face costs associated with fair housing, whether involving proactive compliance activities or penalties for alleged and/or documented noncompliance. Where discrimination does occur, victims may be denied equal access to housing types, due to cost, location, or access to other community resources. This can adversely impact educational, employment, civic, or recreational opportunities for members of affected households.

It is imperative that anyone covered by the Fair Housing Act and related federal laws be well-informed of the rights and requirements of those laws. Ignorance or good intentions are no defense for noncompliance. Below are existing realities faced by various stakeholders that should be taken into consideration when reviewing the costs associated with fair housing. Although there are no guarantees against complaints, ongoing education of any and all persons involved in client intake or service delivery, strict adherence to federal laws and language, and ongoing self-assessment are all necessary to demonstrate efforts to affirmatively further fair housing.

**Housing Providers** - All providers should be aware that, regardless of good faith efforts to follow the law, allegations of noncompliance may be filed by anyone for any reason. Even seemingly minor technical errors can create an opening for a complaint. Whether or not legitimate grounds for a complaint are ultimately determined in court, providers inevitably incur defense costs. Although it requires effort and resources to stay abreast of fair housing case law and enforcement tactics, the cost of responding to a complaint can eliminate any margin of profit for many housing providers. A large percentage of complaints in Idaho are settled out of court in a "conciliation agreement" before any formal determination of actual guilt or innocence can be made in court. Defendants in most cases calculate the high cost of court proceedings, and choose to pay a fee in lieu of open-ended legal bills.

**Service and Shelter Providers** - Fair housing law also extends to most homeless shelter, domestic violence shelter, and transitional housing providers. Just like any other provider, they must divert often limited resources from providing much-needed client services to legal fees or

conciliation agreements in the event a complaint is filed. Complaints can pit the rights and interests of one protected class against another, and the provider is often caught in the middle.

A common example would be a client presenting at a shelter with a companion animal, where an existing client may have a severe phobia or allergy to the same animal. Where no on-site options exist to mitigate these conflicting interests, a costlier off-site accommodation may be required. Although this diverts limited resources from the shelter's primary mission, it is generally far less expensive than a conciliation settlement in response to an allegation of non-compliance.

**Units of State or Local Government** - Local governments are also required to provide access to programs, facilities, and events, and to consider requests for reasonable accommodation that allow all community members to participate in community resources. Communities must maintain policies and procedures that protect the rights of all members, and where plans to affirmatively further fair housing exist, they must demonstrate ongoing efforts to maintain compliance with those plans and related federal laws.

**Consumers and Members of Protected Classes** - The legal resources required in responding to fair housing complaints can increase the cost to deliver housing to all consumers. Legal fees and compliance costs can be significant elements in the cost of doing business for providers. In addition, the constant threat of fair housing complaints limits any flexibility providers might have in considering a potential tenant's situation; providers are limited to assessing an applicant on his or her credit worthiness, criminal background status, and past rental references.

In the economic and employment crisis at the time this analysis was being prepared, these restrictions mean very few applicants can qualify for rental housing at any price. In the case of tenants co-locating with those from similar ethnic, cultural, or linguistic backgrounds, fair housing advocates have threatened to file complaints involving "steering" against anyone assisting those tenants. This results in uncertainty for everyone involved. On one hand, providers know they must treat all qualified applicants equally; on the other, they may find themselves involved in a steering complaint if a qualified applicant happens to belong to a protected class that (advocates feel) is over-represented in a particular complex or neighborhood. Efforts to increase the number and range of housing options, and to educate all those working to assist refugees, is seen as one way to improve this situation.

## **The Study – Background and Methodology**

### **Background**

Every five years, The Idaho Housing and Finance Association (IHFA) is required by HUD to commission a study to assess impediments to fair housing. The IHFA partners with the Idaho Department of Commerce to assess the perceived barriers, actual challenges, progress, and opportunities/strategies for improvements for affirmatively furthering both fair housing and access to community resources in Idaho. While the latter exceeds the requirements mandated by HUD, stakeholders across the state have agreed that it is a critical piece in understanding fair housing in Idaho, addressing needs, and allocating educational resources.

## Methodology

IHFA and the Idaho Department of Commerce partnered with a neutral, third party contractor, Interaction Consulting International, Inc., to conduct this study. This was to ensure neutral, unbiased, and confidential data collection and analysis to help respondents feel comfortable in being candid in their responses.

This study assesses the perceptions, knowledge, and experiences of multiple fair housing stakeholder groups. These included housing consumers, partners or advocates, providers, and government employees. Housing “consumers” are defined as anyone living in any type of residence or shelter. However, one group of consumers of particular focus is tenants participating in the Section 8 Housing program. The Section 8 Housing program is a government-subsidized housing assistance program for low-income individuals and families. Section 8 tenants, otherwise known as “participants,” pay up to 30% of their monthly income for rent and the program subsidizes the rest. Housing “partners” are largely employed by nonprofit agencies who advocate for the rights of housing consumers. Housing “providers” are “property owners and managers, or any individual or entity that rents, leases, sells, represents, manages, or offers any type of housing to a tenant.” Housing providers may also be those who design, engineer, and/or build residential structures for occupancy.”<sup>12</sup>

This study was conducted in four distinct parts: two separate surveys analyzing various stakeholders’ perceptions and experiences with fair housing-related issues, telephone interviews to gain more insight about these perceptions, and the analysis of existing data regarding the types and outcomes of fair housing complaints over the last five years.

First, five hundred Section 8 tenants and one hundred Section 8 landlords (a subset of the provider group described above) were mailed hard-copy surveys (accompanied by a cover letter in both English and Spanish), with the option of completing them online via a provided web link. Online survey completion was encouraged by offering the opportunity to confidentially enter a drawing for grocery gift certificates.<sup>13</sup> The sample of tenants was randomly selected from the regions represented by IHFA, the Southwestern Idaho Cooperative Housing Authority, and the Boise City/Ada County Housing Authority. These include all regions except Pocatello in the southeast region, which is primarily served by the Pocatello Housing Authority. Section 8 landlords were sampled from several diverse regions.

Next, approximately five hundred housing partners and providers (excluding Section 8 landlords) were surveyed electronically; they were emailed an introduction letter with a link to participate in an online survey. The same incentive was used to encourage participation in this group. These stakeholders were geographically dispersed across the state. Post-survey completion, over twenty key stakeholders within this group were contacted by the contractor via telephone for a brief interview to gather more detailed feedback about the factors that are working for, and against, affirmatively furthering fair housing in Idaho.

Finally, the contractor analyzed HUD fair housing complaint data to reveal trends over the past five years. Items of focus included the number and basis of complaints filed, and their outcomes.

The remainder of the report presents the results of these four data collection efforts, and outlines conclusions and recommendations for future consideration. It is important to note that patterns, or trends, in the data should be of primary focus when analyzing and making conclusions about data, including open-ended comments. Themes neutralize individual bias and effectively communicate the general opinion in each area.

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<sup>12</sup> Source: Idaho Fair Housing Forum website: [www.fairhousingforum.org](http://www.fairhousingforum.org).

<sup>13</sup> No public funds were used to purchase survey incentives. Funds were derived from a fair housing complaint settlement fund and are managed to promote awareness of fair housing law in Idaho.

## II. Study Findings

### Description of Survey Respondents

For the purposes of this study, the terms “Tenants” and/or “Consumers” will be used to describe the Section 8 Program Tenant/Participant respondents. “Providers” will include those described in the above section, although Section 8 Landlords will be referred to separately, as their data was collected through different methods.

Table 2.1 shows the number of survey respondents comprising each stakeholder subgroup.

<b>Table 2.1: Number of Responses per Stakeholder Subgroup</b>	
<b>Respondent Group</b>	<b>Number of Responses</b>
Tenants/Consumers	54
Partners	43
Providers – Section 8 Landlords	15
Providers – All Others	90
Government	39

The corresponding response rates for the Landlord/Tenant survey were 11% and 15% respectively, and 34% for the Partner/Provider/Government survey overall. Four respondents in the Tenant/Landlord survey did not indicate to which group they belong; therefore, they are not included in these response rates. The following factors may have contributed to the low rates for the first survey: timing (near Thanksgiving holiday when people are busy and/or traveling), the likelihood that some tenants have moved, and for landlords, the general climate of fear and/or mistrust regarding fair housing compliance or enforcement (as will be explained later in the report). This may make some landlords reluctant to participate or to trust that their answers will be confidential.

Table 2.2 shows respondent geographic representation by rural counties.<sup>14</sup>

<b>Table 2.2: Responses from Rural Counties</b>	
<b>Respondent Group</b>	<b>Percentage from Rural or Frontier Counties</b>
Tenants/Consumers	17.0
Partners	16.3
Providers – Section 8 Landlords	35.7
Providers – All Others	15.6
Government	28.2

### Tenant/Consumer-Specific Demographics<sup>15</sup>

**Gender** – The sample contained 71.7% female and 28.3 male respondents. Clearly, there is an overrepresentation of females as compared to the state figure for females over 18 (49.1%).

**Race/ethnicity** – Table 2.3 shows respondent race and ethnicity representation. It appears White and Hispanic respondents are somewhat underrepresented, American Indian/Alaska

<sup>14</sup> The Idaho Department of Commerce has identified the following eight Idaho counties as urban: Ada, Bannock, Bonneville, Canyon, Kootenai, Latah, Nez Pierce, and Twin Falls.

<sup>15</sup> Percentages reported are based on the number of respondents who answered each question.

Native somewhat overrepresented, Asian proportionally represented, and African-American underrepresented as compared to statewide percentages. It is important to note that with a relatively small sample, the responses of very few can significantly impact the percentages.

<b>Table 2.3: Tenants/Consumers Race/Ethnicity</b>		
<b>Ethnic Group</b>	<b>Number of Respondents</b>	<b>Percentage of Respondents</b>
Caucasian/White	44	83.0
Hispanic/Latino <sup>16</sup>	4	7.5
Native American/Alaskan Native	4	7.5
African-American/Black	0	0.0
Asian-American	1	1.9

**National origin/ancestry** – Of the forty-nine responding to this question, 77.6% identified themselves as originating from America/United States, 18.4% from Europe, and 4.1% from a Hispanic country of origin. Idaho statistics show that American and European origins are generally reversed in proportion.

**Religion** – Forty-one respondents answered this question. Of these, 22.0% identified as Christian, 14.6% Catholic, 9.8% Baptist, 7.3% LDS, 7.3% Lutheran, 4.9% Pentecostal, 9.8% Not religious, and 24.4% Other. The other category included two respondents who stated they did not want to disclose this information.

**Familial status** – Over half of respondents reported their familial status as single, and over one quarter reported their status as single parents. The figures in Table 2.4 show that married individuals and families are significantly underrepresented and single parent and single non-family households are significantly overrepresented as compared to statewide figures. This may be due in part to single adult households being more likely to require housing assistance.

<b>Table 2.4: Tenants/Consumers Familial Status</b>		
<b>Familial Status</b>	<b>Number of Respondents</b>	<b>Percentage of Respondents</b>
Single, no children in household	27	52.9%
Single, children in household	14	27.5%
Married, children in household	4	7.8%
Married, no children in household	5	9.8%
Other	1	2.0%

Note: "Single" includes divorced respondents.

**Disability status** – Of the fifty-two respondents who answered this question, 71.2% (37) reported having a disability. Table 2.5 shows the breakdown of disability types; survey respondents were overrepresented in comparison to state statistics on all disability categories except for hearing impairment. However, it is important to note that while only 37 indicated they have a disability, 52 reported specific disabilities, even though respondents were instructed to skip this question if they did not indicate having a disability.

<sup>16</sup> The United States Census Bureau reports ancestries of Hispanic groups under "race" breakdowns rather than under "ancestry."

<b>Table 2.5: Tenants/Consumers Nature of Tenants/Consumers Disabilities</b>		
<b>Disabling Condition</b>	<b>Number of Respondents</b>	<b>Percentage of Respondents</b>
Mobility impairment	8	14.3
Mental or emotional disability	25	44.6
Hearing impairment	0	0.0
Visual impairment	3	5.4
Other physical disability	20	35.7

### **Partners/Providers/Government**

**Section 8 Landlords-Specific Questions** –Section 8 Landlords were asked to answer two unique descriptive questions not included in the Partner/Provider/Government survey: type of housing organization, and number of units owned/managed. Table 2.6 shows that 57.1% of the Section 8 Landlords are property owners/developers, 35.7% are property or site managers, and one is a public housing provider. Due to the small sample size of this group, caution should be exercised when interpreting the statistics.

<b>Table 2.6: Type of Housing Organization</b>		
<b>Type of Housing Service Provided</b>	<b>Number of Respondents</b>	<b>Percentage of Respondents</b>
Property or site management	5	35.7
Property owner/developer	8	57.1
Public housing provider	1	7.1

The majority of landlord respondents own or manage 4 – 24 units and 25 or more units.

<b>Table 2.7: Number of Units Owned or Managed</b>		
<b>Type of Housing Service Provided</b>	<b>Number of Respondents</b>	<b>Percentage of Respondents</b>
Single-family home (one unit)	0	0.0
Less than three units	2	14.3
Four to 24 units	6	42.9
25 or more units	6	42.9

Members of this survey group (across both surveys) were asked to report whether their organization has formal/documented procedures in place to accommodate persons with disabilities. Approximately 85% or more of the Partner/Provider/Government group agencies reported having such policies, while just more than half of the Section 8 Landlord group did.

<b>Table 2.8: Organization has Formal/Documented Policies in Place to Accommodate Persons with Disabilities</b>	
<b>Respondent Group</b>	<b>Percentage of Respondents</b>
Partners	84.6
Providers – Section 8 Landlords	54.5
Providers – All Others	90.5
Government	97.4

Sixty-eight percent or more Partner/Provider/Government respondents indicated they believe their employees know how to access information on fair housing or accessibility. However, this implies that for some groups, approximately one quarter of employees may not know where such resources exist. Less than ten percent of Section 8 Landlord respondents report lack of employee access to this information.

<b>Table 2.9: Belief that Employees Know How to Access Resources on Fair Housing or Accessibility Issues</b>	
<b>Respondent Group</b>	<b>Percentage of Respondents</b>
Partners	71.8
Providers – Section 8 Landlords	91.7
Providers – All Others	77.6
Government	68.4

Respondents were also asked to indicate the **sources of information that are most helpful regarding fair housing and accessibility**. The Fair Housing Forum, or [www.fairhousingforum.org](http://www.fairhousingforum.org), was identified as the top source of information for those in the Partners and Government groups. Providers most frequently access the HUD/FHEO office, or [www.hud.gov](http://www.hud.gov) for fair housing and accessibility information. Section 8 Landlords report the Fair Housing Forum as the top source of information, followed by the HUD/FHEO office or [www.hud.gov](http://www.hud.gov), the HUD State Field Office, and Legal Aid Services.

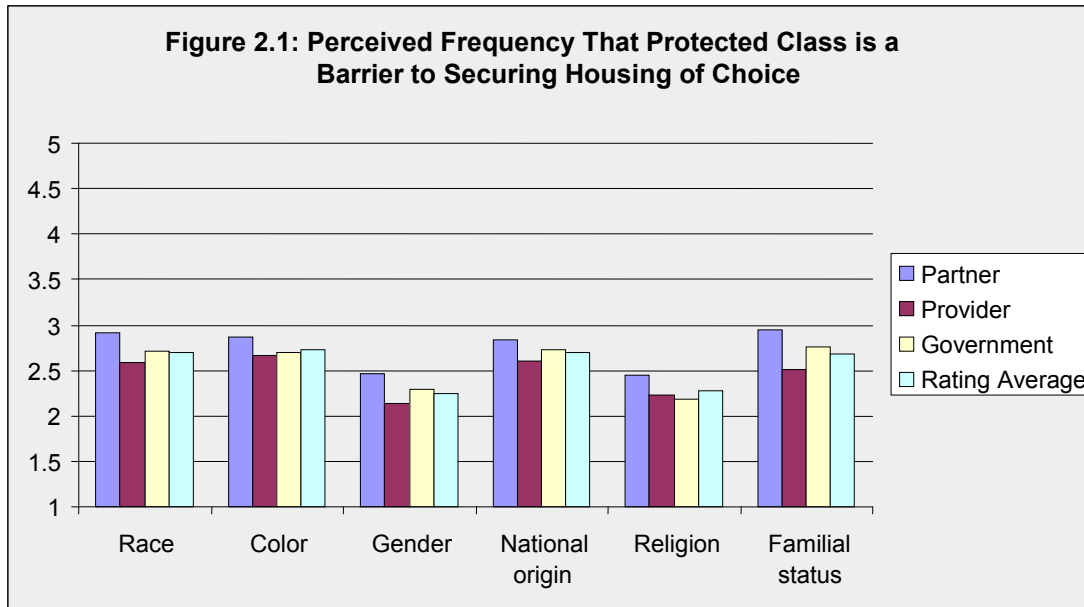
## Perceived Barriers

### Survey Findings

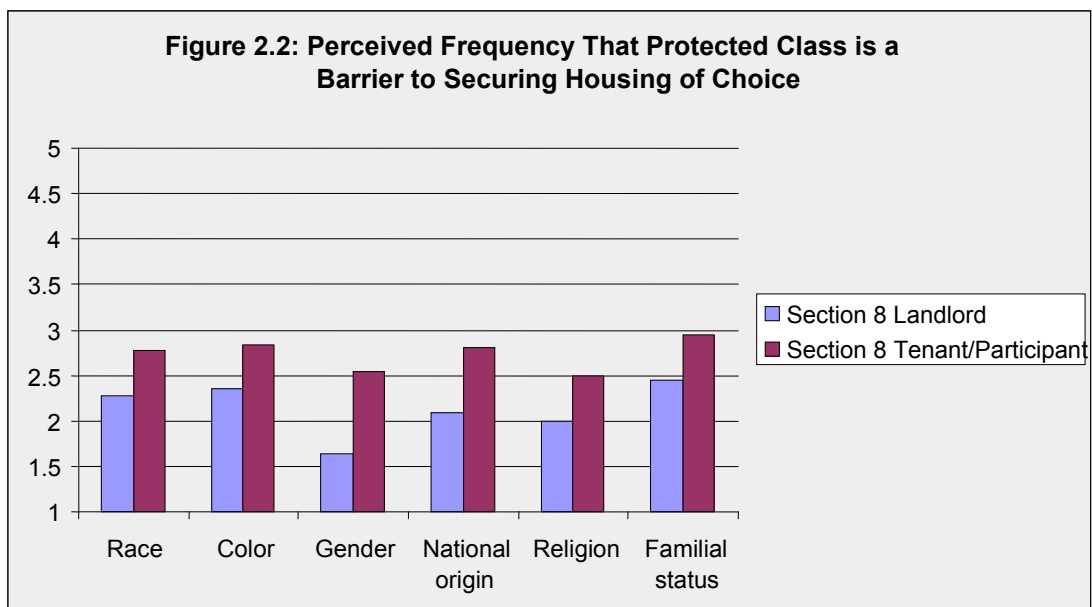
All stakeholder groups were asked their opinions about perceived barriers to access to fair housing and associated resources. The first question asked about the **frequency with which Idahoans belonging to protected classes have difficulty securing housing of their choice** (assuming they otherwise qualify for said housing). Figure 2.1 shows that on average, using a scale of one to five (five being most frequent, or “always”), Partners, Providers (all others), and Government respondents perceive this happens “rarely” to “sometimes.”

While responses were quite consistent over the groups, Partners showed the highest level of concern overall and Providers somewhat less. Gender and religion were ranked lower overall than the other reasons. Partners gave the highest ratings for each category, followed by Government on each category except religion. However, it is noteworthy that the range in scores across the three stakeholder groups on any category was 0.5 or less (less than one point on the rating scale). Therefore, one could conclude their beliefs are fairly consistent.





Section 8 Tenants' and Landlords' scores for the same question appear below. Tenants yielded higher average scores than Landlords on all six protected classes. In addition, Tenant scores and patterns were similar to the Partner and Provider groups. Landlords were within the same half point range as the other survey groups for all protected classes except gender and national origin, on which they scored a half point or more lower than the other groups. As noted previously, the landlord findings must be interpreted with caution due to the relatively small sample size.

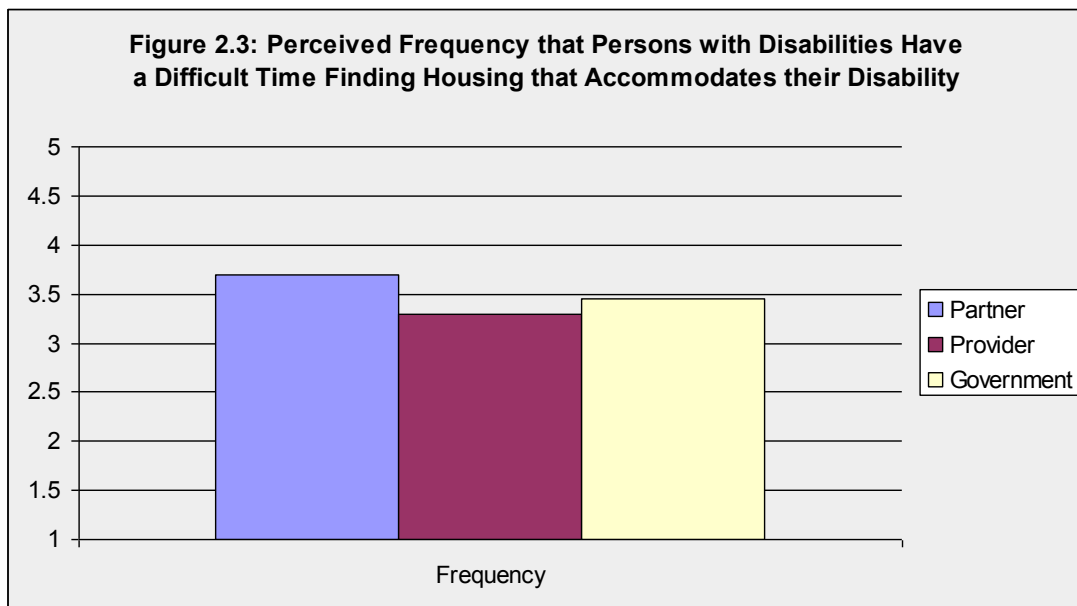


When asked to report the **primary reason(s) members of protected classes have difficulties securing housing of choice**, Partners, Providers (all other), and Government respondents yielded somewhat similar results, and not largely discrepant across the types of reasons rated. The top three responses were limited English proficiency, tenants being

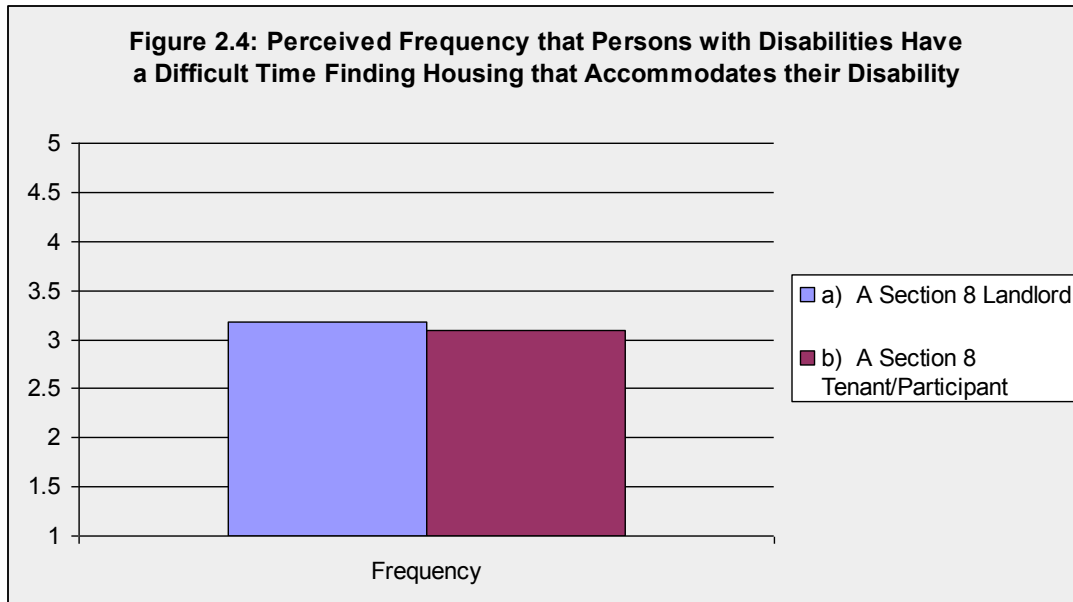
unfamiliar with their legal rights, and unintentional discrimination, respectively. The latter implies that providers may be unfamiliar with their legal responsibilities.

Tenants and Landlords also yielded similar patterns in responses. They reported intentional discrimination (based on personal prejudice), tenants being unfamiliar with legal rights, and limited English proficiency as the top three barriers, respectively. Six Tenants also provided additional comments. This is noteworthy as three of the six comments related to familial status, two of which specifically to single parents. This corresponds with Tenants' relatively high rating on familial status in Figure 2.2 above.

A separate question was asked with regard to the **frequency persons with disabilities have difficulty securing housing that accommodates their disability**. Averages across all groups yielded responses ranging from "sometimes" to "often." This suggests disabilities are perceived as a more significant impediment to accessing fair housing than association with other protected classes.



Section 8 Tenants and Landlords rated this question lower overall than the other stakeholder groups, but still slightly above 3, or "sometimes." Tenant ratings were somewhat higher than Landlords'.



With regard to the **primary reason(s) persons with disabilities have difficulties securing housing that accommodates their disability**, Partners ranked insufficient multi-family housing options highest, followed by insufficient single-family housing, and ignorance or misunderstanding of physical or mental disabilities. Providers and Government stakeholders both rated lack of enough single-family housing as most common, followed by ignorance or misunderstanding of physical or mental disabilities. The Government group also rated lack of multi-family housing as second highest. Providers rated insufficient multi-family housing third, and government rated tenants/consumers unfamiliar with legal rights as third.

Section 8 Landlords clearly reported unintentional discrimination/unfamiliarity with legal responsibilities as the most common reason, with unwillingness to provide both “reasonable accommodation”<sup>17</sup> and “reasonable modification” second<sup>18</sup>, followed by intentional discrimination based on personal prejudice. Tenants also clearly rated unintentional discrimination highest, then both intentional discrimination and lack of enough accessible single-family housing, followed by lack of willingness to provide reasonable accommodation. It is interesting to note the differences in rankings among the first and second survey groups.

The analysis went further to discern perceived attitudes toward persons with disabilities. Respondents were asked to **report whether they believe persons with disabilities are perceived differently than others**. The Table 2.10 shows the vast majority across respondent groups believe this to be true.

<sup>17</sup> “Accommodation” is defined as changing a policy to accommodate a qualifying individual (e.g., allowing support or companion animals, alternate parking spaces, etc.).

<sup>18</sup> “Modification” is defined as a structural changes or adaptation that allows physical access (e.g., wheelchair ramp, grab bars, wider doorway, etc.).

<b>Table 2.10: Percentage Who Believe Persons with Disabilities are Perceived Differently than Others</b>	
<b>Respondent Group</b>	<b>Perceived Differently</b>
Tenants/Consumers	90.0
Partners	82.9
Providers – Section 8 Landlords	81.8
Providers – All Others	81.0
Government	88.2

Those included in the table above were asked a follow-up question to assess **whether they believe people with disabilities are perceived more or less positively**. As Table 2.11 shows, over half of all groups report they believe the difference in perception to be less positive than others. The Government group yielded the lowest percentage and the Tenants/Consumers group the highest.

<b>Table 2.11: Percentage Who Believe Persons with Disabilities are Perceived less Positively than Others</b>	
<b>Respondent Group</b>	<b>Perceived Less Positively</b>
Tenants/Consumers	77.1
Partners	69.0
Providers – Section 8 Landlords	66.6
Providers – All Others	61.2
Government	60.0

Survey participants were asked **whether adequate training and information is available to housing industry professionals<sup>19</sup> to support them in complying with federal fair housing and accessibility law**. Interesting differences exist between groups: over half of providers and just under half of the government staff responded “yes” while 40% of partners said “no.” Themes in the comments provided to support this question indicated that the Government and Provider groups appear to believe adequate training exists, but it is not always utilized, either because it is neither well-communicated, affordable, nor geographically dispersed. One strategy offered is to hold training during existing profession-specific conferences to reduce travel time and costs.

Tenants were most likely across all groups to report that adequate training exists. Section 8 Landlords rated higher than their counterparts in the Provider (all others) group. Themes that emerged from Tenants’ accompanying comments included good awareness of the availability of training opportunities (e.g., had seen advertisements), that adequate training opportunities are available but some providers are unwilling to access them, and that there is a need for more provider training on disabilities. All five comments offered by Section 8 Landlords centered on the lack of knowledge and/or information about training opportunities.

<b>Table 2.12: Percentage Who Believe There is Adequate Training and Information Available to Housing Industry Professionals</b>	
<b>Respondent Group</b>	<b>Percentage</b>
Tenants/Consumers	60.0
Partners	22.9
Providers – Section 8 Landlords	40.0
Providers – All Others	57.5
Government	45.7

<sup>19</sup> Housing industry professionals include developers, property managers, realtors, lenders, building officials, and shelter/transitional housing providers.

When asked to **self report their knowledge of fair housing law**, the Provider, Government, and Partner group yielded scores ranging from 3.5 to 3.3, respectively, suggesting most of these stakeholders rate themselves between the “moderate” and “considerable” knowledge levels. This relates to the responses found in the previous question. Comparatively, Section 8 Landlords rated their knowledge at 3.3 and Tenants at 2.8.

Respondents were asked to rate **the extent to which members of the housing industry are supportive of fair housing principles**. Providers, Government, and Partners ranged from 3.7 to 3.3 respectively, indicating a perception of moderate to considerable supportiveness in this area. Themes among Partners centered on a general perception that stakeholders desire to be supportive and compliant. Provider themes included the perception that noncompliance is largely unintentional and that there exists good support and a proactive spirit; however, the hostile atmosphere created by IFHC threatens the availability of adequate housing resources by discouraging property owners and landlords from continuing to offer housing. Government respondents stressed the need for more education of certain stakeholder groups, including realtors and landlords, and indicated that support varies by stakeholder group; for some it is motivated by fear rather than the desire to work together to provide fair housing to all consumers.

Section 8 Landlords and Tenants scored in between the other stakeholders, yielding scores of 3.6 and 3.4, respectively. While no themes emerged among the minimal Landlord comments, Tenants indicated they believe members of the housing industry are generally supportive, although some perceive providers to be profit-driven versus people-centered in their actions.

Study participants rated the **extent of productive collaboration and cooperation among consumer advocates, the housing industry, and state and local government in Idaho**. Government respondents rated this at 3.3, Providers at 3.0, and Partners at 2.9 (a score of three indicates moderate collaboration and cooperation). Comments from Partners indicate a willingness, but lack of structure and process, to really leverage the benefits of collaboration among stakeholders. Providers noted the abuse of the fair housing complaint system, and that more collaboration – particularly with the housing industry – is needed. However, despite the need for further development of supportiveness, this group acknowledged that Idaho *has* been quite proactive in fostering collaboration among stakeholders. Government respondents also indicated the need to improve the conflicted atmosphere among stakeholders and identified the need for more formal venues/forums to facilitate collaboration.

Tenants and Landlords rated this item 3.3 and 3.0, respectively, aligning very closely with the responses of the other stakeholder groups. Neither group provided comments on this item.

Respondents provided comments with regard to **barriers to cooperation and collaboration, if any, that exist among the housing stakeholder groups**. Themes that rose to the top for Partners included the lack of a single point of contact/coordination for all fair housing related-entities, competing interests among stakeholders, and having enough time to get together for collaboration. The common theme among the Government group was competing interests.

Landlords mentioned the difficulty of merging diverse interests in the housing industry, while Tenants expressed a perceived lack of authentic caring from Landlords about helping others (Tenants/Consumers), and lack of education.

### **Stakeholder Interview Findings**

Interview participants were asked what is currently not working well with regard to affirmatively furthering access to fair housing and community resources. Several common

themes emerged from their input, and are reported according to the frequency they were mentioned by interviewees.

Several stated that **training and education** should be expanded to target also the general public and other communities around the state, and be made mandatory for providers.

**Cooperation and collaboration among stakeholders** has improved considerably over the past five years, primarily due to the efforts of the Idaho Fair Housing Forum and increased education. However, significant impediments still exist. Many reported that providers are afraid to “come to the table” as their questions or suggestions may be turned against them and used as a basis for attracting extra compliance and enforcement attention. As a result, many providers will not participate in statewide discussions regarding how to further improve access to fair housing around the state and/or exit the housing industry, potentially impacting the availability of housing to consumers. It was suggested that the Intermountain Fair Housing Council shift more of its focus to education and productive collaboration.

Survey respondents also identified as problematic the **current funding structure of the Accessibility Improvement Program (AIP)**, recommending that continuous, and alternative, funding sources be established.

Some respondents also spoke to the **inadequate support for fair housing law** in Idaho, and suggested that the Legislature become more involved to improve this.

## Fair Housing Discrimination and Complaints

### Overview

As noted in the Introduction, several Idaho agencies work directly to promote and enforce compliance. These include the United States Department of Housing and Urban Development (HUD) Fair Housing and Equal Opportunity Office, Idaho Legal Aid Services, the Idaho Human Rights Commission, and the Intermountain Fair Housing Council (IFHC). Tenants/Consumers can contact any of these organizations for help in filing a complaint. The IFHC also conducts testing, whereby staff or contractors look for areas of noncompliance by posing as a potential tenant.

As part of this analysis, actual filed complaint data was requested from HUD, Idaho Legal Aid Services, and the IFHC. Data was ultimately provided by HUD and Idaho Legal Aid Services.

### Complaint Data

The number, nature/basis, and outcomes of fair housing complaints were analyzed based on historical information. It is important to note that complaint statistics do not necessarily provide a direct correlation with actual violations or injury.

Table 2.13 shows that the number of complaints filed rose sharply and steadily from 2005 to 2007, declined significantly in 2008, and rose again in 2009.

<b>Table 2.13: Total Complaints Filed in Idaho, 2005 – 2009</b>		
<b>Year</b>	<b>Number</b>	<b>Percentage Change from Previous Year</b>
2005	38	N/A
2006	63	40%
2007	104	39%
2008	28	-271%
2009	79	65%
<b>Total</b>	<b>312</b>	N/A

Note: 2009 data covers through 9/24/2009.

Table 2.14 below shows trends in the most common reasons for filed complaints (i.e., unique cases) from 2005 to 2009.<sup>20</sup> While claims filed on the basis of disability have risen since 2005, claims made on the basis of familial status and sex have decreased overall. Complaints filed on the basis of race rose steadily from 2005 to 2008, then were overshadowed in 2009 (through September) by cases filed on the basis of disability. There were two unique findings in 2006 that are not reflected in the table: seven complaints were filed on the basis of religion and seven others on the basis of sex and religion.

<b>Table 2.14: Complaints by Basis/Reason (Most Common Single Basis), 2005 – 2009</b>				
<b>Year</b>	<b>Disability</b>	<b>Familial Status</b>	<b>Race/ National Origin</b>	<b>Sex</b>
2005	53%	18%	8%	0%
2006	59%	2%	11%	0%
2007	60%	9%	13%	3%
2008	54%	11%	25%	4%
2009	81%	8%	3%	0%

Note 1: 2009 data covers through 9/24/2009.

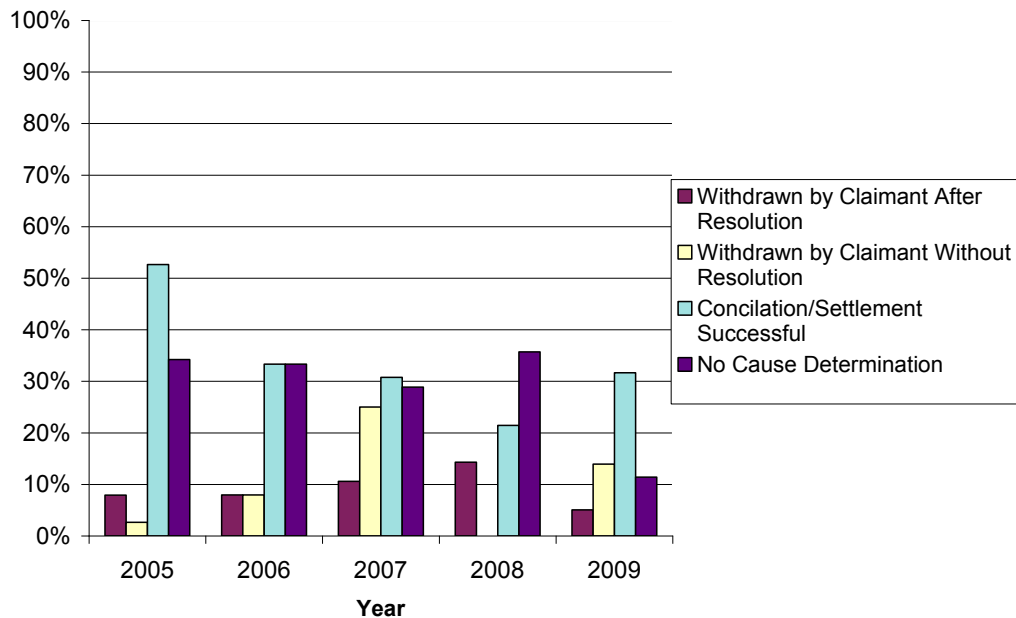
Figure 2.15 shows the relative outcome of claims filed from 2005 to 2009.<sup>21</sup> Overall, the most common types of claim outcomes during this five-year period were successful conciliation/settlement and no cause determination. Complaints withdrawn after resolution were most prevalent in 2008, and in the same year, no complaints were withdrawn without resolution. Complaints withdrawn without resolution peaked in 2007, the same year that yielded a significant drop in overall complaints. It is also interesting to note that in the first three quarters of 2009, there was a significant drop in no cause determination outcomes and a possible upward trend in successful conciliation/settlement. However, twenty-nine, or 37%, of the cases filed in 2009 were still open when this data set was obtained for analysis, and case closure type percentages may well change as these cases close.

It is important to note that in cases involving conciliation/settlement and no cause determination, no formal determination of defendant guilt or innocence is made; therefore, no direct correlation exists between the number of complaints filed and actual noncompliance or injury.

<sup>20</sup> Table figures may not add to 100% as only the most commonly reported reasons for complaints are included. Other less commonly reported reasons include retaliation, religion, harassment, and multiple reasons.

<sup>21</sup> 2008 yielded a higher than average proportion of cases where the complainant could not be located. For other years, this figure is nominal or nonexistent.

**Figure 2.15: Most Common Outcomes of Fair Housing Complaints, 2005 - 2009**



### Stakeholder Experience with Fair Housing Discrimination and Complaints

**Tenants/Consumers** - Tenants/Consumers were asked to report whether they, or someone in their immediate household, had experienced discrimination in a housing transaction (i.e., rent/lease, purchase, financing, or other terms) due to being identified with a protected class. Nine Tenants reported they had. Due to the small total number of cases, conclusions about the breakdowns presented in this section must be interpreted with caution.

Table 2.15 shows the breakdown of when these incidents of discrimination were experienced.

Table 2.15: Year Discrimination was Experienced		
Year	Number	Percentage
Before 2004	1	11.1
2004 or Later	8	88.8

Table 2.16 shows geographic location where the alleged discrimination occurred. Most occurred in urban counties, and two outside Idaho.

Table 2.16: Where Complaints were Filed		
Location	Number	Percentage
Urban county	5	62.5
Rural county	1	12.5
Outside Idaho	2	25.0

Table 2.17 shows the reported nature of discrimination allegations. The most frequent perceived basis for discrimination involved familial status. Among the “other” responses, Tenants reported mixed race family, same sex partner, and “living status.”



<b>Table 2.17: Basis of Allegation</b>		
<b>Basis</b>	<b>Number</b>	<b>Percentage</b>
Physical barriers (restricted access due to building design or construction)	2	22.2
Discrimination involving religion, color, race, and/or national origin	2	22.2
Discrimination involving mental or developmental disability	2	22.2
Discrimination involving familial status (i.e., families with children)	4	44.4
Other	3	33.3

Note: Respondents were instructed to "check all that apply." Therefore, the total number responses exceed the total number of complaints filed.

In only two of these instances were Fair Housing complaints filed, although two other respondents stated they did not know if a complaint was filed. Four respondents provided answers about the agency with which the complaint was filed: three were filed with Idaho Legal Aid Services and one with HUD/FHEO.

Of the two who provided information on the outcomes of the complaints, one reported the complaint was dismissed with no further outcome and the other reported that a conciliation agreement (or out-of-court settlement) was reached. One respondent believed the claim was handled appropriately, two did not, and two stated they did not know whether it was or was not.

Seven Tenant respondents reported they had been discriminated against but chose not to file a complaint. Of the three who provided reasons, all were due to fear of retaliation.

**Partners/Providers/Government** – Survey respondents were asked to report if their agency had been the target of a fair housing complaint, regardless of whether an actual violation had taken place. Not surprisingly, Providers (all other) were more likely than the Government or Partner groups to report having a complaint filed against their organization. The Fair Housing Act was the most common law to which filed complaints were related (as identified by those who knew the related law). What is surprising is that, in comparison, none of the Section 8 Landlords responding to the survey claimed their organization had ever been the target of a complaint. The small sample size may have contributed to this finding.

<b>Table 2.18: Percentage of Stakeholder Organizations That Have Been the Target of a Fair Housing Complaint</b>				
<b>Answer Options</b>	<b>Partners</b>	<b>Providers – Section 8 Landlords</b>	<b>Providers – All Other</b>	<b>Government</b>
No	70.0	100.0	44.0	50.0
Yes, related to the Fair Housing Act	5.0	0.0	31.0	15.8
Yes, related to the Americans with Disabilities Act	0.0	0.0	6.0	10.5
Yes, related to Section 504	2.5	0.0	3.6	10.5
Yes, but unsure of the related law	10.0	0.0	4.8	7.9
Don't know	12.5	0.0	19.0	23.7

Stakeholders were also asked to report their beliefs about **whether the current fair housing complaint process adequately protects the rights of all parties (i.e., stakeholders) involved**. The Government, Partner, and Provider groups ranged from 3.3 to 3.1 respectively, indicating a general perception that the process is reasonably effective. Themes among comments supporting these responses revealed that both Partners and Providers (and to some extent, Government staff) feel that the complaint process is biased against providers and toward tenants: providers are presumed guilty and face the burden of extensive legal fees, even when complaints are frivolous. There is currently no way to eliminate frivolous claims from moving forward, and there is a perception that some tenants abuse the process to “get even” if they are refused housing for legitimate reasons. Some across these three groups also find the process vague and difficult to understand.

Section 8 Landlords and Tenants rated the adequacy of the complaint process similarly, at 3.3 and 3.1, respectively. There were minimal Landlord comments, with no clear theme. However, some Tenant comments revealed a belief that Landlords are favored in the process.

### **Interview Respondent Perceptions about the Compliance and Complaint Process**

The most common theme shared by this group related to the **adversarial atmosphere created by the current approach to compliance and enforcement**. The approach was characterized by respondents as fear-driven, hostile, unjust (i.e., providers assumed guilty at the outset), and entrapment-oriented. Interviewed stakeholders frequently referred to detriment of this approach to the industry, and the barrier it has caused for stakeholder cooperation and collaboration. Mediation was mentioned as one way to improve the compliance and enforcement process and reduce legal costs.

Some also mentioned challenges related to **meeting the specific needs of Idaho’s growing refugee population**. Difficulties include inadequate understanding of alternate documentation presented by refugees, not enough funding to support their resettlement and housing needs, and lengthy and confusing housing application forms that are unique to each property and cumbersome for those with Limited English Proficiency and their case managers.

### **Perceived Change to Barriers in the Past Five Years and Related Issues**

All survey groups were asked a series of questions to assess their perceptions about changes or progress in affirmatively furthering access to fair housing and community resources. With regard to **improved access to fair housing for members of protected classes**, Table 2.19 shows that, of those who responded to this question, over half of all survey groups believe access to housing has improved. These figures are generally lower than those reported in the 2004 study, suggesting possible slowed improvement or variation in actual survey respondents. Respondents across the Partner, Provider, and Government groups all noted that the industry has become more educated about the laws, and the Provider and Government groups reported that more accessible housing is being built. Section 8 Landlords were most likely, and Tenants least likely, to report improvements for members or protected classes. Comments indicated some Landlords believe the waiting list for low-income housing (presumably including availability of Section 8 Tenant Vouchers) is not improving (and must), but that awareness of laws/responsibilities has improved. Tenants reported that more housing units are available.

<b>Table 2.19: Access to <u>Housing</u> for Members of Protected Classes Has Improved Since 2004</b>	
<b>Respondent Group</b>	<b>Percentage of Respondents</b>
Tenants/Consumers	45.9
Partners	63.3
Providers – Section 8 Landlords	72.7
Providers – All Others	69.7
Government	56.7

The figures regarding the **improved access to community resources for members of protected classes** also indicate that more than half of each stakeholder group believes this area has improved. Section 8 Landlords rated the highest at 72.7% and Partners the lowest at 51.6% (Tenants scored only slightly higher.) As with the previous item, Partner, Providers, and Government all identified stakeholder education and awareness as a contributing factor. The Government group also noted improvements in accessing public facilities. Section 8 Landlords yielded no themes in comments. Tenants had one prominent theme regarding improved accessibility of information about community resources, although some (fewer) respondents believe there is still not enough information available.

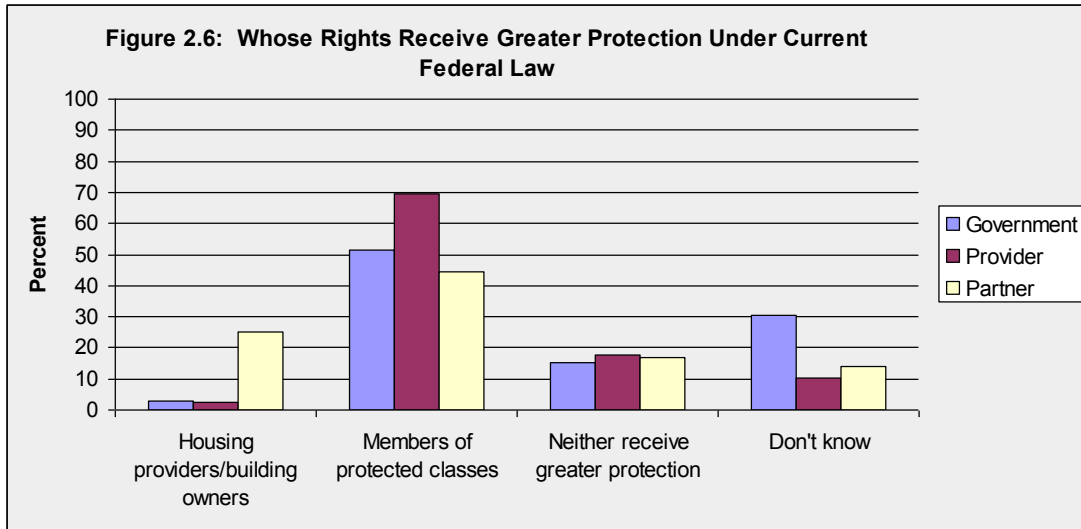
<b>Table 2.20: Access to <u>Community Resources</u> for Members of Protected Classes Has Improved Since 2004</b>	
<b>Respondent Group</b>	<b>Percentage of Respondents</b>
Tenants/Consumers	53.8
Partners	51.6
Providers – Section 8 Landlords	72.7
Providers – All Others	68.9
Government	62.1

With regard to **improved awareness of fair housing rights and responsibilities among housing providers and government over the past five years**, well over half of the Partner, Provider, and Government groups report that improvement has occurred. Corresponding comments show that again, training is identified as the main contributing factor impacting improvement.

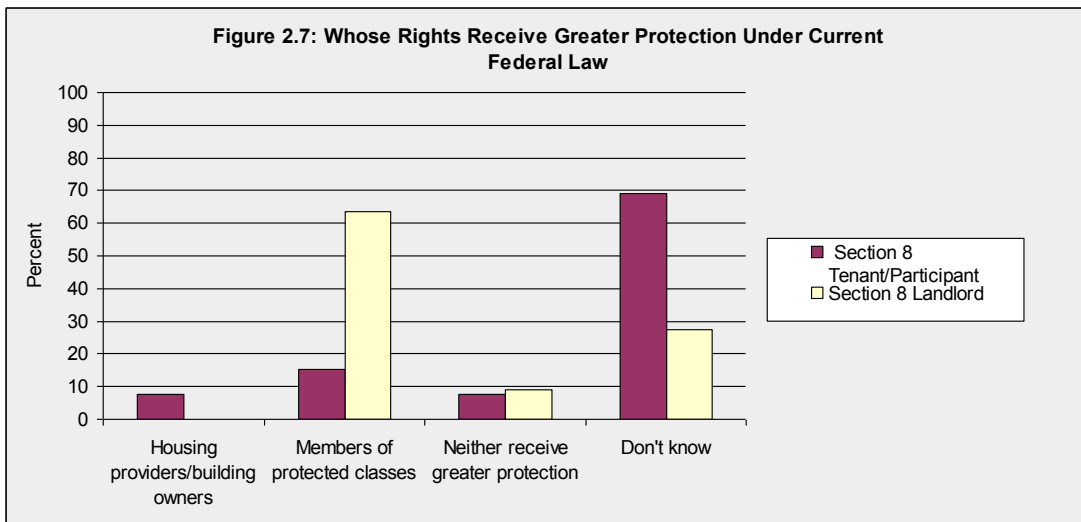
Section 8 Landlords scored lower than the other groups at 60.0%, and Tenants the lowest at 33.3%. No themes among the small number of comments emerged for these two groups.

<b>Table 2.21: Awareness to Fair Housing Rights and Responsibilities Among Housing Providers and Government Has Improved Since 2004.</b>	
<b>Respondent Group</b>	<b>Percentage of Respondents</b>
Tenants/Consumers	33.3
Partners	64.5
Providers – Section 8 Landlords	60.0
Providers – All Others	78.9
Government	76.7

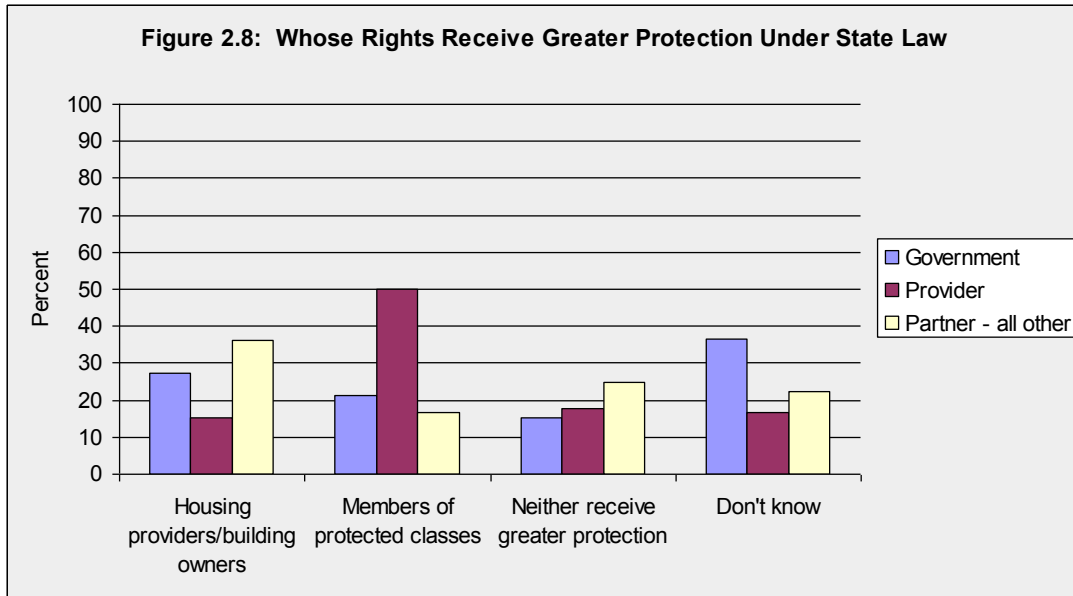
Stakeholders were asked which **stakeholder group receives greater protection under federal and state laws**. It is significant, yet perhaps not surprising, that Providers yielded by far the highest rating on protected classes receiving the most protection under federal law (over half of respondents). Partners and Government respondents also scored the highest on protected classes receiving the greatest protection under federal law. One quarter of Partner respondents indicated that housing providers/owners received the most protection.



Among Section 8 Tenants and Landlords, over 60% of landlords believe members of protected classes receive the greatest protection. The majority (almost 70%) of Tenant respondents stated they did not know.



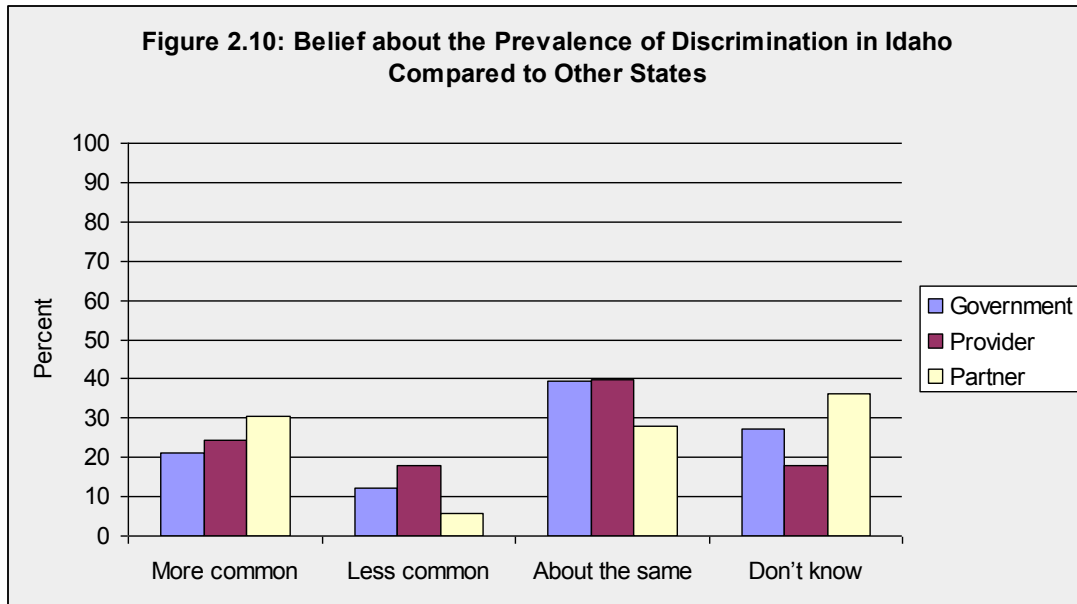
Partners perceived that providers receive the most protection under state law. However, the Provider group again reported that members of protected classes received the greatest amount of protection, and providers as receiving the least. It is important to note that approximately one fifth to one third of these respondent groups (including Government) answered "I don't know," which may be an indication of their understanding of federal and state laws.



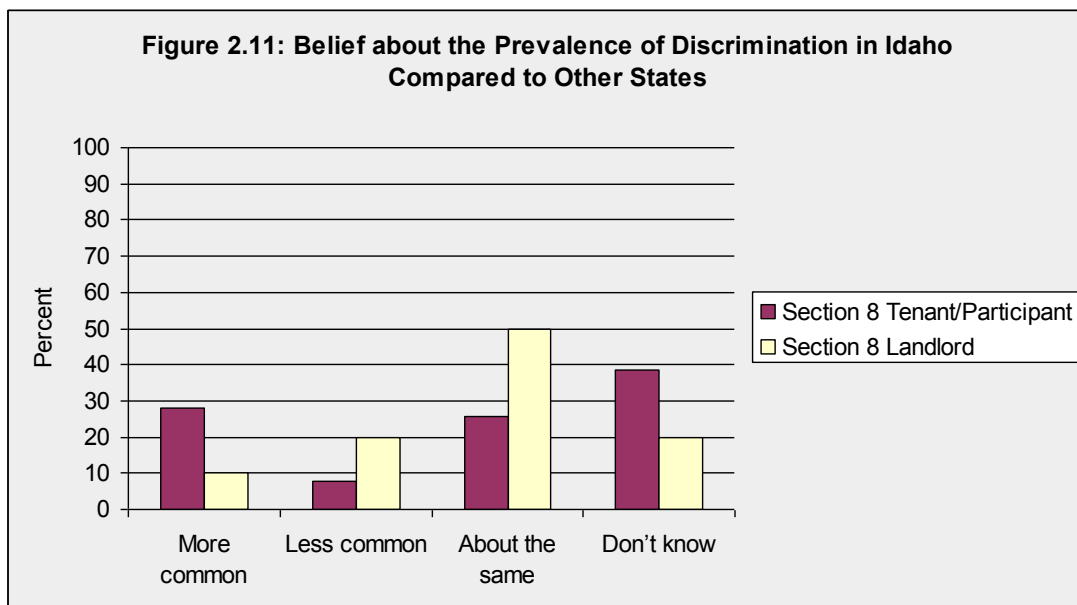
Section 8 Landlords also reported that members of protected classes are by far most protected, while the majority of Tenants indicated they did not know.



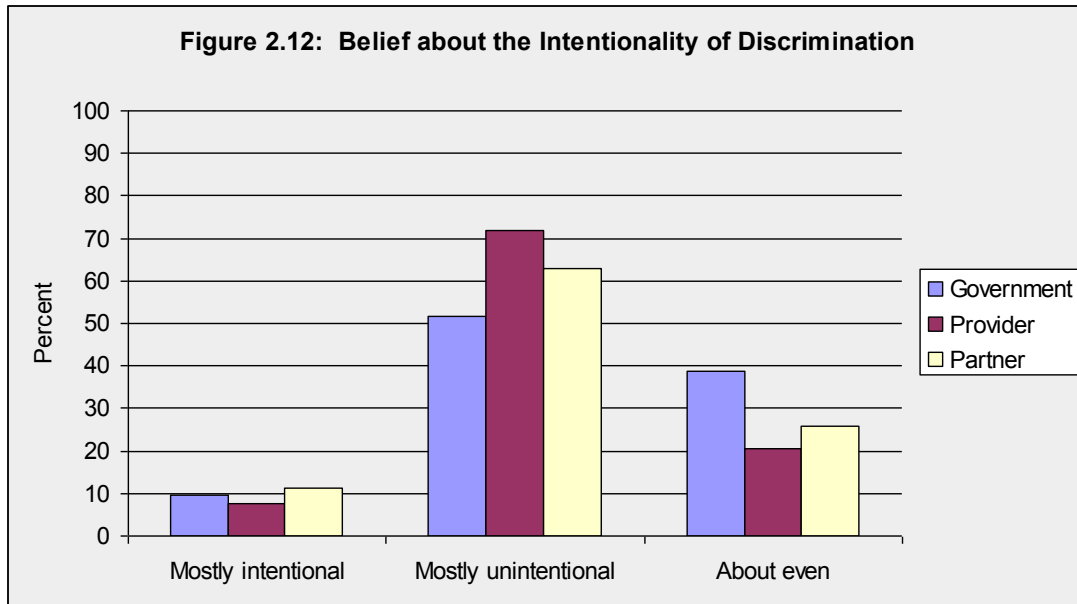
Respondents were asked their **opinions on the prevalence of discrimination in Idaho compared to other states**. Nearly one fifth or more in the Partner/Provider/Government survey did not venture a guess (selected “I don’t know”). Of those who provided an opinion among the three groups, Partners were most likely to report it as more common and Providers as less common. The highest proportion of both the Government and Provider groups was for “About the same,” approximately 40% of the respondents of each group.



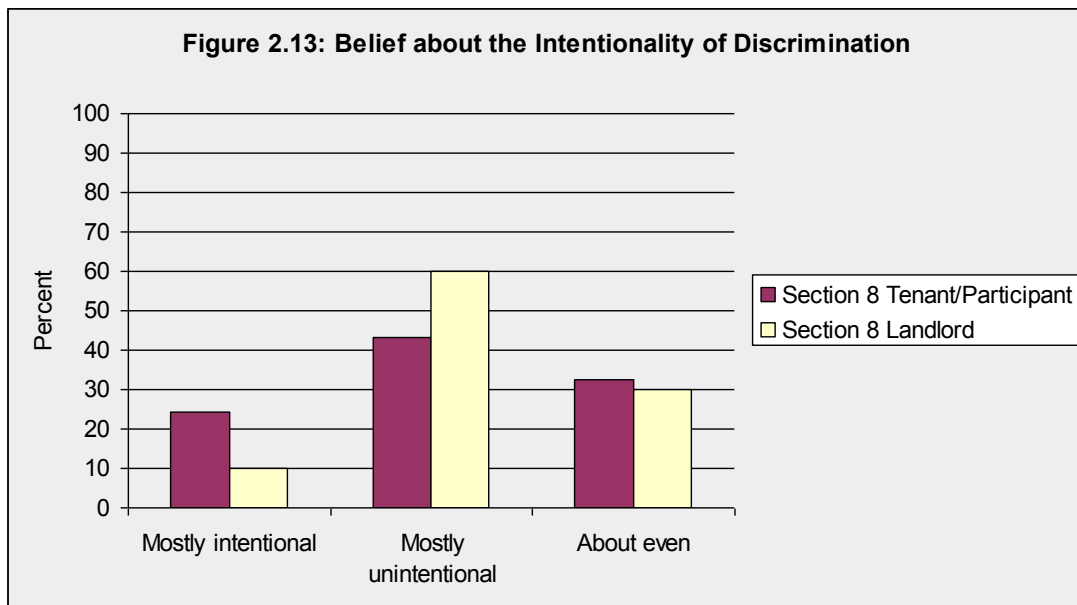
Half of Section 8 Landlords who responded to this question perceived discrimination to be about the same as other states, while about one quarter of Tenants believe it more common. Twenty percent of Landlords and almost 40% of Tenants stated they do not know.



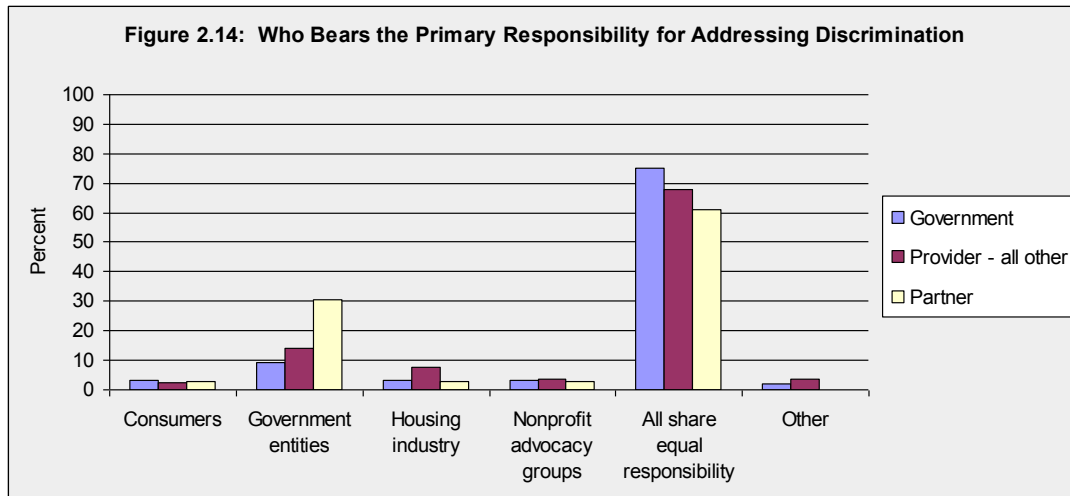
Perceptions about the **intentionality of discrimination** were also measured, showing that approximately 50 to 70% of respondents in the Partner/Provide/Government survey reported believing it is mostly unintentional, with Providers yielding the highest score on that option. Across all three of these groups, only about 10% or fewer believe discrimination is mostly intentional.



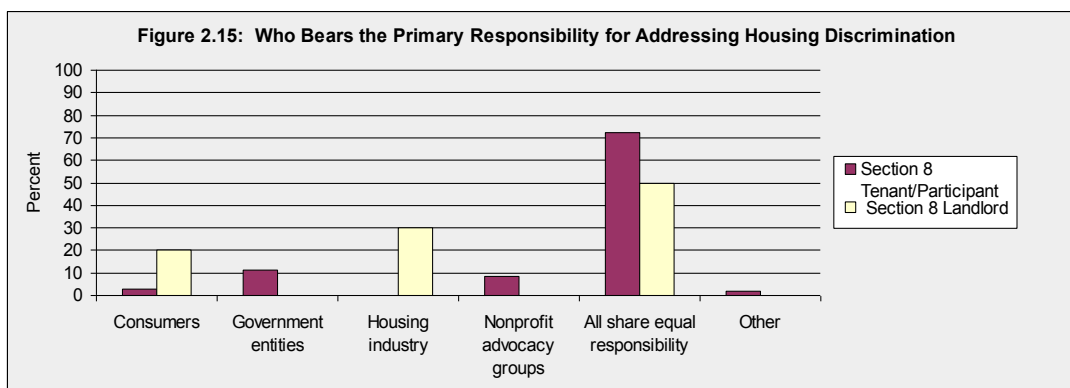
Section 8 Landlords and Tenants were also most likely to state they believe discrimination to be mostly unintentional (60.0% and 43.2%, respectively). However, there was an approximately fifteen percentage point difference between groups on “intentional” and “unintentional,” with Tenants being more likely to believe discrimination is intentional (24.3%).



Survey respondents were asked their opinion on **who bears the primary responsibility for addressing housing discrimination**. Figure 2.14 shows that a clear majority of Partner/Provider/Government respondents (over 61.1 to 75.0%, respectively) believe all parties share equal responsibility. However, the Partner group was most likely among all three to report that it is the government’s responsibility (30.6%).



Similar patterns emerged for the Section 8 Tenant and Landlord group: 50 and 72.2%, respectively, reported that all share equal responsibility. However, 30.0% of Tenants responded that the housing industry should bear the primary responsibility, and 20.0% of Landlords thought Consumers should.



At the end of the survey, respondents were invited to share any **additional comments**. Twenty two percent of Partners/Providers/Government respondents shared comments. The only theme that emerged was for Providers around the negative consequences of what they perceive as reckless and/or unfounded complaints filed against housing providers (e.g., funds otherwise available to build more affordable housing are instead diverted to legal defense of frivolous claims and/or conciliation settlements). While both Section 8 Landlords and Tenants shared comments, the only theme that emerged was from Tenants regarding their gratefulness for the housing benefits they have received.

## Strategies for Improvement

### Survey Respondent Findings

All study participants were asked to rank their beliefs on **which strategies would be most effective in reducing or eliminating barriers related to protected classes**. Across the Partners/Providers/Government group, increased education of tenants was reported as the most impactful strategy, followed by increased education of providers and government, and



increased cooperation and collaboration among stakeholders, respectively. Accompanying comments yielded a distinct theme with regard to training the various stakeholder groups, including landlords.

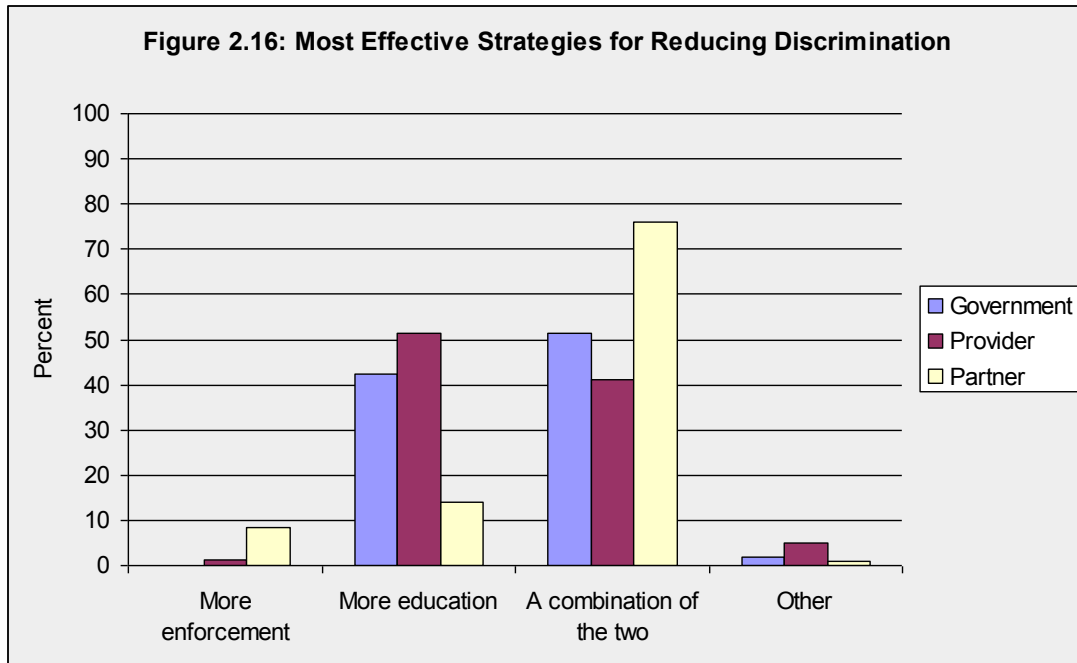
Tenant and landlords also showed similarities in the strategies believed to be most effective. Increased education aimed at tenants and increased education of housing providers and government partners were rated highest. Tenants and Landlords rated cooperation and collaboration next highest, but Landlords' ratings were considerably lower than those of Tenants.

Respondents were asked to provide their recommendations for **practical strategies to improve relationships among Tenants/Consumers advocates, the housing industry, and state and local government with respect to fair housing and accessibility issues**. Partners, Providers, and Government groups all shared the theme of needing a safe and productive forum for dialogue and collaboration among stakeholders. Partners also emphasized the establishment of a single lead agency to promote fair housing (with perhaps an Ombudsman role) and increased public education and communication about fair housing. Providers stressed again the need to eliminate the adversarial atmosphere that exists due to enforcement practices, and the allocation of resources to assist providers in fighting false allegations.

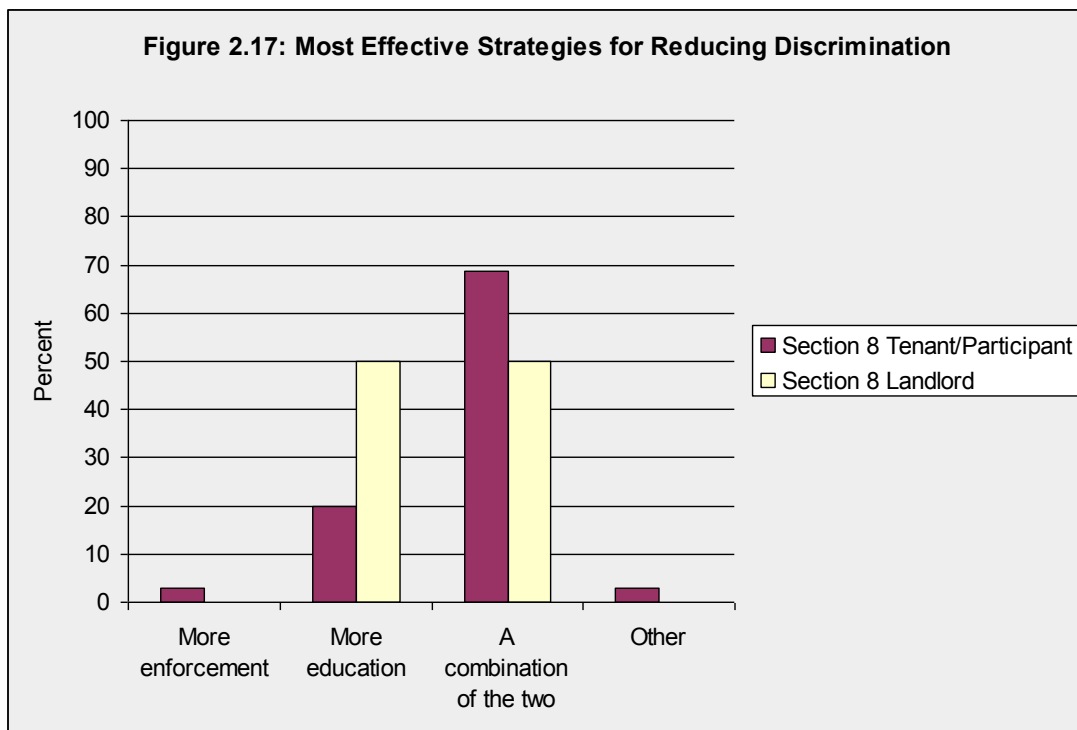
When asked specifically to comment on **suggestions for improving the quality and availability of information on fair housing and accessibility compliance**, Partner themes centered on ensuring qualified experts are available at trainings (e.g., HUD, legal) and that better communication/advertising is needed to get the word out. Providers echoed the theme of better public relations to increase visibility of resources, continued availability of education, focusing on a collaborative versus adversarial relationship between stakeholder groups, and holding accountable those who bring frivolous lawsuits. Government respondents also felt that education must be better advertised via the media, as well as being more affordable and more geographically dispersed.

In comparison, Section 8 Landlords suggested improving the dissemination of information to their own group, including law changes, so they can stay informed. Themes in Tenant comments identified improving the availability of (and simplifying existing) education materials, and the need for the availability of more training, in general.

Respondents were also asked about their beliefs about **which strategies are most effective in reducing discrimination**. Figure 2.16 shows that approximately three quarters of the Partner group and half of the Government group believe that a combination of education and enforcement is the best strategy. Over fifty percent of Providers and over forty percent of Partners indicated more education is needed. Very few reported enforcement alone as the most effective strategy.



Similar patterns emerged for the Section 8 Landlord and Tenant groups. Almost seventy percent of Tenants felt that the combination strategy is most effective, while Landlord responses were evenly split between the combination and more education.



## Stakeholder Interview Findings

Interview respondents were asked to report what is **currently working well with regard to affirmatively furthering access to fair housing and community resources**. They were then asked to select the one item that is having the greatest impact. The most prominent items centered on education and the efforts of the Fair Housing Forum. Several respondents mentioned the expansion of education to all stakeholder groups and across the state. There appears to be consensus that abundant fair housing educational resources are available in Idaho. Many respondents touted the efforts and impact of the Fair Housing Form, including how it has promoted the collaboration of diverse housing industry stakeholders. Some respondents also mentioned the impact of enforcement on promoting fair housing practices.

Interviewees were also asked to identify **what single change would make the greatest difference** in improving the current state of access to fair housing and community resources. Many respondents mentioned expanding **training, education, and outreach**. Strategies included outreach to community leaders, the general public, and property managers/realtors/mortgage bankers; and offering fair housing training at existing, stakeholder profession-specific conferences to improve accessibility.

**Funding** was also mentioned several times. Interview respondents identified the need for more funding to enable fulfilling the fair housing mission and for supporting housing rehabilitation and retrofitting, and using the available funding more strategically through focused planning and implementation efforts.

Respondents also raised concerns related to **leadership**. Many concerns were expressed about the leadership style of the Intermountain Fair Housing Council and suggested this be reevaluated to ensure this organization actively promotes collaboration and prevention, in addition to its enforcement role.

### III. Conclusions and Recommendations

#### Summary and Conclusions

The purpose of this study was to assess the perceptions of various stakeholders on the state of affirmatively furthering fair housing and access to community resources. To ensure the elimination of potential bias in research administration and analysis, a neutral, third party contractor conducted the study. Partners/advocates, housing providers, tenants/consumers, and government employees were all included in the study to understand whether stakeholders have unique concerns or perceptions. By evaluating the responses of the various stakeholder groups, those working to improve access in Idaho can more strategically align their efforts to best address the needs of all involved.

While an extensive array of topics is covered in this report, the following key findings stood out and were reinforced in the study findings:

- Education was identified as one of the key strategies that have affirmatively furthered access to fair housing and community resources. Stakeholders identify it as critical to both past and future improvements. The education efforts of various agencies and the forums that have been created appear to represent a foundation upon which further cooperation, collaboration, and compliance can be built. However, results indicate that some Partner, Provider, and Government organizations may not be making resources available, or communicating the location of resources, to staff.
- There appears to be considerable dissatisfaction with the fair housing complaint process. While many acknowledge it is an important component in furthering fair housing, the adversarial nature of current practices (i.e., of the IFHC, specifically) appears to be a primary impediment to promoting cooperation and collaboration among stakeholders. Evidently, there exists an atmosphere of fear rather than partnership and mutual learning and advancement of the field. While the IFHC undoubtedly has the interests of Tenants/Consumers at the forefront, its approach appears to be discouraging many stakeholders from engaging in a meaningful way in the fair housing dialogue.
- Cultivation of collaboration and cooperation among stakeholders has continued over the past five years, and can be further - and significantly - improved once the enforcement approach of the IFHC shifts to one of increased partnership and prevention.
- Persons with disabilities appear to be most hindered in access to fair housing. This was apparent through the findings that such people are viewed less positively, and because it is the basis for a high proportion of fair housing complaints.
- There appears to be a general belief across groups that discrimination is largely unintentional, and that the responsibility for addressing fair housing discrimination should be shared by all stakeholders equally.
- There is a general consensus across groups that access to fair housing and community resources has improved over the past five years.
- There appears to be agreement across stakeholder groups that a combined approach of education and enforcement is most effective in reducing discrimination.
- Providers appear to perceive discrimination as less of a problem than other stakeholder groups, and Partners, the most. This may be inherent to the respective roles of each.
- There is a need to establish continuous, reliable, and diversified funding sources to support provider accessibility improvements.

Overall, it appears many improvements have been made over the past five years, but there is certainly work to be done to further cultivate that progress.

## Recommendations

Recommendations for change should - almost without exception - be conducted through evidence-based decision-making. This study provides much evidence to guide improvement efforts. Most compelling are findings that resonate across all stakeholder groups.

Given the findings and conclusions of this study, the following recommendations for change warrant consideration:

- More education is needed, in both amount and accessibility, among stakeholder groups and the general public. Accessibility considerations include affordability and geographic location. The groups appearing most in need of education are landlords and tenants. Education and awareness about federal and state laws and disabilities appears to be an especially warranted. It may be advisable to increase efforts to communicate the availability of education/information/resources.
- Relying on the latest in adult learning theory and evidence-based behavioral/attitudinal change strategies, help providers and the public further understand the importance of affirmatively furthering access to fair housing and community resources.
- Create an atmosphere of congeniality and cooperation, mixed with peer-to-peer accountability, to cultivate an environment that supports collaboration and progress.
- Establish one Idaho agency as the central point of contact for affirmatively furthering fair housing in the state.
- Establish more structured, continuous, and diversified funding sources to support providers' ability to provide accessibility improvements.

Strategies to implement the above recommendations can be found throughout the report. Meaningful, participative planning efforts, with relentless implementation and follow up, will be the catalyst to authentically driving further improvement in access to fair housing and community resources. Only then can true cooperation and collaboration exist: when groups of diverse interest are willing to come together and set common goals, based on the feedback of all, for the betterment of this state.

In all efforts to improve the field, it is essential to continually keep in mind the overarching purpose and impact of providing Idaho's housing consumers access to fair housing and community resources. One Tenant survey respondent captured this well: "Idaho Housing has benefited me greatly through the years. Without the support and confidence this program has instilled in me, I don't believe I could have become the person of worth I am today."

## IV. Appendix

### Glossary of Fair Housing Terms

Laws involving fair housing and accessibility are complex and dynamic. Depending on the type of housing, the funding source and the tenants involved, several different laws and codes may be involved. There are also several terms used to refer to a built environment that is usable by people of all abilities.

**Accessible** - This term applies to a program, service, built environment or event that can be used by persons of all abilities. Examples would include a courthouse or restroom that can accommodate wheelchair users, a public hearing that provides assistive listening devices for the hearing impaired, or a program offering outreach materials in alternate formats. In housing, the term is generally used in reference to multifamily or senior housing complexes, homeless shelters, etc.

**Adaptable** - Built environments that may or may not include finished accessible features such as ramps, grab bars, etc, but that can be easily adapted or modified to accommodate a variety of tenants. Examples include buildings with extra structural blocking in bathroom walls to allow future installation of grab bars in toilet and tub areas; wider hallways, entry ways and door openings; adjustable counter or cabinet elevations, removable cabinet doors under sinks to allow wheelchair access, etc.

**Americans with Disabilities Act (ADA)** - This act was signed into law July 26, 1990. The ADA primarily covers access to public spaces, programs and events. The Act covers employment, state and local government, public accommodations, telecommunications and transportation. ADA laws and design requirements also apply to certain public or common areas of multifamily housing complexes.

**Disability** - The Fair Housing Act defines disability as “any physical or mental impairment that substantially limits one or more major life activities.”

**Disparate Impact** - This term describes the idea that an action or policy that is applied equally to all persons (and that appears neutral) may have an unintended but “disparate” or unequal impact on members of a protected class. In some cases, this can be interpreted as a violation of Fair Housing law. One commonly used example is a policy stating that any tenants involved in domestic disturbances or abuse will face eviction. Since 90-95% of all domestic violence victims are women, this policy may have a disparate impact based on gender, a protected class.

**Fair Housing Act** - Congress passed The Fair Housing Act on April 11, 1968. The original Act prohibited discrimination in all housing transactions on the basis of race, national origin, sex, color and religion. It was later amended to protect persons with disabilities and “familial status” (i.e., households with/without children). Fair Housing Accessibility “design and construction standards” apply to multifamily housing consisting of four or more units and ready for first occupancy after March 13, 1991.

**LEP/LAP** - Idaho’s growing population includes individuals with Limited English Proficiency (LEP). Some LEP populations are refugees (pushed from their home country through war, famine or political oppression), and some are immigrants (pulled to the U.S. or Idaho by perceived opportunity or family connections). Under Title VI of the Civil Rights Act of 1964 - National Origin Discrimination Against Persons With Limited English Proficiency (LEP

Guidance), it is illegal to discriminate in access to programs or services that involve use of federal funds. Organizations that receive federal funds must create, implement and follow a Language Assistance Plan (LAP) that effectively accommodates the needs of all customers. Keep in mind that “customer service is welcome in any language.” For more information, see <http://lep.gov>

**Protected Class** - This refers to members of populations characterized by race, national origin, sex, color, religion, familial status and disability. Under the Fair Housing Act (see above), persons are protected from discrimination based solely on their membership (or perceived membership) in one or more of these seven protected “classes.”

**Reasonable Accommodation** - Persons with a qualifying disability (see above) may request a reasonable accommodation from a housing provider, employer or government entity in order to participate fully in programs or events, or to occupy housing. The accommodation may involve policy modification such as a designated parking space or nonstandard communication protocol. The requested accommodation should realistically and effectively accommodate the individual’s particular disability (according to a professional third party familiar with the specific disability), and (under certain conditions) may not represent an undue financial or administrative burden.

**Reasonable Modification** - Persons with a qualifying disability (see above) may also request a reasonable modification from a housing provider, employer or government entity in order to participate in programs or events, or to occupy housing. A physical modification, such as a wheelchair ramp, should realistically and effectively accommodate the individual’s particular disability (according to a professional third party familiar with the specific disability), and (under certain conditions) may not represent an undue financial or administrative burden.

**Section 504 (of the Rehabilitation Act of 1973)** - According to HUD’s definition, Section 504 specifies that “no otherwise qualified individual with a disability shall, solely by reason of his or her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.” Section 504 design and construction requirements apply to housing developments that are constructed with or receive federal funding, and are generally more rigorous than those required by the Fair Housing Accessibility design and construction standards.

**Self-Testing** - This is an opportunity for housing providers or other covered entities to identify potential violations in policies, procedures or design and construction. They may contract with Fair Housing testing and enforcement grantees who can provide professional testers to evaluate compliance in policies and procedures. In Idaho, the Intermountain Fair Housing Council (IHFC) has historically performed this service; it agrees to a limited “grace period” within which it agrees not to file a complaint for any areas of non-compliance discovered during self-testing. Clients may use this period to address violations. For more information, contact IHFC at 1-800-717-0695.

**Universal Design**- A commonly misunderstood term, “Universal Design” refers to general design principles intended to “simplify life for everyone by making products, communications, and the built environment more usable by as many people as possible at little or no extra cost.” Accessible residential, commercial and public space (i.e., “built environments”) fall under one aspect of universal design.

**Visitability** - This term differs from “accessibility” only in that it is primarily used to refer to accessible single-family construction as opposed to multifamily housing. Site grading, design and construction reflect universal design principles such as an accessible entrance into and route through the main floor, and at least one accessible bathroom and bedroom. Tenants or owners may or may not require the accessibility features at the time of first occupancy; they

may simply wish to accommodate guests with mobility impairments or to anticipate their own future needs as they age in place.

Many homeowners find that these features enhance their home's resale value, reduce tripping hazards and simplify routine activities. Related terms include "no-step construction," "house for life" or "zero-threshold construction." See [www.concretechange.org](http://www.concretechange.org) or [www.easylivinghome.org](http://www.easylivinghome.org) for more information.